

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES,

Plaintiff,

NO. 19-CR-10081-IT

v.

GORDON ERNST,  
DONNA HEINEL,  
MIKAELA SANFORD,  
MARTIN FOX,  
NIKI WILLIAMS,  
WILLIAM FERGUSON,  
JORGE SALCEDO,  
JOVAN VAVIC.

Defendants

ORDER ON EXCLUDABLE DELAY

KELLEY, U.S.M.J.

An interim status conference was held today. After hearing argument from the parties, the court declined to set deadlines for discovery motions at this time. Discovery is voluminous, consisting of approximately two million documents, and defendants are still reviewing the discovery. The government has further limited discovery that it will produce in the near future.

The defendants will file a Rule 12(b)(3)(B)(v) motion to dismiss for failure to state an offense concerning the single RICO conspiracy count alleged in the current indictment by October 15, 2019. The government will file an opposition by November 19, 2019, and reply briefs will be due by December 10, 2019.

It is premature to set dates for expert disclosures.

No defendants will raise defenses of insanity, public authority, or alibi.

**An interim status conference will be held on January 17, 2020 at 2:15 p.m**

With the agreement of the parties, the Court finds that the interests of justice in this case, *i.e.*, to allow the parties time to prepare for trial, outweigh the best interests of the public and defendants for a trial within seventy days of the date of the defendants' initial appearance.

Accordingly, it is hereby ORDERED that, pursuant to the provisions of 18 U.S.C. § 3161(h)(7)(A), the Clerk of this Court enter excludable time for the period from October 1, 2019, up to and including January 17, 2020.<sup>1</sup>

/s/ M. Page Kelley  
M. PAGE KELLEY  
United States Magistrate Judge

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<sup>1</sup> The parties are hereby advised that under the provisions of Rule 2(b) of the Rules for United States Magistrates in the United States District Court for the District of Massachusetts, any party may move for reconsideration by a district judge of the determination(s) and order(s) set forth herein within fourteen (14) days after receipt of a copy of this order, unless a different time is prescribed by this court or the district judge. The party seeking reconsideration shall file with the Clerk of this Court, and serve upon all parties, a written notice of the motion which shall specifically designate the order or part thereof to be reconsidered and the basis for the objection thereto. The district judge, upon timely motion, shall reconsider the magistrate judge's order and set aside any portion thereof found to be clearly erroneous in fact or contrary to law. The parties are further advised that the United States Court of Appeals for this Circuit has indicated that failure to comply with this rule shall preclude further appellate review. See *Phinney v. Wentworth Douglas Hospital*, 199 F.3d 1 (1st Cir. 1999); *Sunview Condo. Ass'n v. Flexel Int'l*, 116 F.3d 962 (1st Cir. 1997); *Pagano v. Frank*, 983 F.2d 343 (1st Cir. 1993).